

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.91816 of 2025

Arising Out of PS. Case No.-824 Year-2025 Thana- MASAUDHI District- Patna

1. Mantu Kumar Son of Shekhar Prasad R/o Bardoi, P.S. - Lahsuna, Dist. - Patna, Bihar.
2. Golu Kumar Son of Bindeshwar Yadav R/o Bardoi, P.S. - Lahsuna, Dist. - Patna, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Kumar Rajdeep, Advocate Mr. Saroj Kumar Choudhary, Advocate
For the Opposite Party/s	:	Mr. Raj Kishor Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 23-02-2026 Heard learned senior counsel for the petitioners and
learned APP for the State.

2. The petitioners seek bail in connection with
Masaurhi P.S. Case No. 824 of 2025 instituted for the offences
under Sections 20(a)(i) of the N.D.P.S. Act.

3. Prosecution case, in short, is that total 385 pieces of
ganja plants have been recovered in this case.

4. Learned counsel for the petitioners submitted that
the petitioners have falsely been implicated in the present case.
Charge-sheet has been submitted in this case. Petitioners are in
custody since 15.10.2025 and have no criminal antecedent.



There is no allegation of tampering of witnesses alleged against the petitioners. Learned counsel further submitted that petitioners never planted the said ganja plants and nor the land from where the alleged plants were recovered belongs to the petitioners. Learned counsel further contended that mere recover of ganja plants, which may grow naturally, without proof of conscious cultivation or control over the land, is insufficient to constitute an offence under the NDPS Act. No incriminating material has been recovered from the conscious possession of the petitioners. There is no compliance of Section 42 and 50 of the N.D.P.S. Act.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances of the case as also the period of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

7. Let the petitioners be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Masaurhi P.S. Case No. 824 of 2025, subject to the following conditions:

(I) One of the bailors shall be the petitioners' own or a



close family member.

(II) The petitioners shall appear on each and every date fixed during the trial and shall not remain absent on two consecutive dates without sufficient cause.

(III) The petitioners shall not tamper with the prosecution evidence or influence/intimidate any witness during the course of trial.

(IV) The petitioners shall not commit any offence of a similar nature in future.

In case of violation of any of the aforesaid conditions, the Trial Court shall be at liberty to cancel the bail bonds of the petitioners.

(Rudra Prakash Mishra, J)

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